

# EXHIBIT B

## Legal Notice

**If you are a Third-Party Payor and made payments or reimbursements for some or all of the purchase price of Daraprim from August 7, 2015, through January 28, 2022, you may be eligible for a payment from a class action settlement.**

A settlement providing for a total potential cash payment of up to \$28 million has been proposed in a class action lawsuit brought on behalf of third-party payor entities that, for consumption by their members, employees, insureds, participants, or beneficiaries, and not for resale, indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price of Daraprim between August 7, 2015, and January 28, 2022.

The lawsuit, titled *BCBSM, Inc. v. Vyera Pharmaceuticals, et al.*, No. 21-cv-1884-DLC, is pending in the United States District Court for the Southern District of New York (the “Court”). The Plaintiff in the lawsuit alleges that Defendants Vyera Pharmaceuticals, LLC and Phoenixus AG, Martin Shkreli, and Kevin Mulleady (collectively the “Defendants”) engaged in a scheme to thwart generic competition for Daraprim in violation of Sections 1 and 2 of the Sherman Act and various state antitrust, unjust enrichment, and consumer protection laws.

Plaintiff has reached a proposed settlement that provides a minimum cash payment to the Settlement Class of \$7 million and additional potential payments of up to \$21 million for a total potential settlement amount of up to \$28 million (the “Class Settlement Amount”). The Settlement is subject to Court approval.

### Who Is Included?

The Settlement Class includes:

All entities that, for consumption by their members, employees, insureds, participants, or beneficiaries, and not for resale, indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price of Daraprim between August 7, 2015, and January 28, 2022 (the “Settlement Class Period”). Excluded from the Settlement Class are the following:

- (a) Natural person consumers;
- (b) Defendants and their employees, affiliates, parents, and subsidiaries, whether or not named in the Complaint;
- (c) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans;
- (d) Fully insured health plans (*i.e.*, health plans that purchased insurance covering 100% of their reimbursement obligation to members); and
- (e) Judges assigned to this case and any members of their immediate families.

**If you are a member of the Settlement Class, your rights will be affected by the pending lawsuit and the Settlement, and you may be entitled to share in the Settlement Fund.** If you have not yet received the full printed Notice and Claim Form, you may obtain copies of these

documents by contacting the Claims Administrator at *Daraprim TPP Settlement*, c/o A.B. Data, Ltd., P.O. Box XXXXX, Milwaukee, WI 53217, 1-xxx-xxx-xxxx. Copies of the Notice and Claim Form can also be downloaded from the website maintained by the Claims Administrator, [www.xxxxxxxxxxxxxx.com](http://www.xxxxxxxxxxxxxx.com).

### **What Does the Settlement Provide?**

**The proposed Settlement provides for a total Class Settlement Amount of up to \$28,000,000.** Attorneys' fees (not to exceed 30% of the funds received in the Class Settlement Fund), litigation expenses, service awards to Plaintiff, taxes, and notice and administration costs, as approved by the Court, will be deducted from the fund before distribution to Settlement Class Members. A more detailed description of the Class Settlement Amount is available in the Settlement Agreement available for download at [www.xxxxxxxxxxxxxx.com](http://www.xxxxxxxxxxxxxx.com).

The Net Settlement Fund will be allocated to Settlement Class Members who submit valid Claim Forms based upon a Plan of Allocation to be approved by the Court. Under Plaintiff's proposed Plan of Allocation, the Net Settlement Fund will be distributed to Settlement Class Members who indirectly purchased, paid, and/or provided reimbursement for Daraprim in any of the following 36 states and territories during the Settlement Class Period: Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin ("Eligible States"). The Net Settlement will be distributed on a *pro rata* basis to eligible claimants based on the amount they paid for Daraprim in the Eligible States during the Settlement Class Period, in proportion to the *total* amount that all eligible claimants paid for Daraprim in the Eligible States during the Settlement Class Period.

### **How Do You Get a Payment?**

To receive a payment from the Settlement, simply fill out a Claim Form, and provide the information requested on the Claim Form, and mail it no later than \_\_\_\_\_, **2022**. A Claim Form is available at [www.xxxxxxxxxxxxxx.com](http://www.xxxxxxxxxxxxxx.com).

### **What Are My Legal Rights and Options?**

If you are a Settlement Class Member, please review the full Notice, available at [www.xxxxxxxxxxxxxx.com](http://www.xxxxxxxxxxxxxx.com), concerning your rights and options. Only a summary is provided here.

- **Remain in the Settlement Class and submit a Claim Form to get payment.** Claim Forms must be postmarked (if mailed) or submitted online by \_\_\_\_\_, **2022**. You give up your right to sue and are bound by all Court orders.
- **Exclude yourself** ("opt out") from the Settlement Class. A written Request for Exclusion must be *received by* \_\_\_\_\_, **2022**. You retain your right to sue and you will not receive any payment as a result of this lawsuit. Please see the full Notice for information on how to request exclusion.

- **Object** to the Settlement, the proposed Plan of Allocation, and/or counsel's request for attorneys' fees and expenses. Written objections must be *received* by \_\_\_\_\_, 2022. You give up your right to sue and are bound by all Court orders even if your objection is rejected. If you file an objection, you may appear at the Settlement Hearing to explain your objection, but you are not required to attend. Please see the full Notice for information on how to file an objection.
- **Do nothing** and remain in the Settlement Class. You give up your right to sue and are bound by all Court orders. You must submit a Claim Form to get a payment.

The Court will determine whether to approve the Settlement, as well as any attorneys' fees and expenses, at a Settlement Hearing that will be held on \_\_\_\_\_, 2022, at xx:x0 x.m.

The Court has appointed lawyers to represent you at no cost to you. You may choose to hire your own lawyer at your own expense.

Inquiries, other than requests for the Notice and Claim Form, should be made to Interim Lead Counsel:

Kellie Lerner  
Benjamin Steinberg  
ROBINS KAPLAN LLP  
900 3rd Ave, Suite #1900  
New York, NY 10022  
Telephone: (212) 980-7400  
Facsimile: (212) 980-7499  
[klerner@robinskaplan.com](mailto:klerner@robinskaplan.com)  
[bsteinberg@robinskaplan.com](mailto:bsteinberg@robinskaplan.com)

Requests for the Notice and Claim Form should be made to:

Daraprim TPP Settlement  
c/o A.B. Data, Ltd.  
P.O. Box XXXXX  
Milwaukee, WI 53217

1-xxx-xxx-xxxx  
[www.xxxxxxxxxxxxxx.com](http://www.xxxxxxxxxxxxxx.com)